

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT W. GORDON, ESQ.,

Plaintiff,

-against-

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

THE CITY OF NEW YORK, MARC ANDES, MARK
PALOMINO, GAYLE SANDERS, FAY LEOUSSIS,
MICHAEL A. CARDOZO, DAVID SANTORO, JOHN
DOE(S) AND JANE DOE(S) (names currently unknown)
each in his/her official and individual capacities,

No. 14 CV-6115 (JPO)(JCF)

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Notice To Pro Se Litigant Who Opposes A Rule 12 Motion Supported By Matters Outside The Pleadings, dated September 23, 2014, the Declaration of Assistant Corporation Counsel Bruce Rosenbaum, dated September 23, 2014, together with the exhibits annexed thereto and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, dated September 23, 2014, and upon all the papers and proceedings previously had herein, defendants The City of New York, Marc Andes, Mark Palomino, Gayle Sanders, Fay Leoussis, Michael A. Cardozo, and David Santoro (collectively "Defendants"), will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York, 10007, before the Honorable J. Paul Oetken, United States District Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the Complaint against the Defendants on the ground that the complaint is time-barred in part, that plaintiff has failed to exhaust his administrative remedies in part and that the complaint fails to state a plausible claim upon which relief can be granted.

No. 14 CV-6115 (JPO)(JCF)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
ROBERT W. GORDON, ESQ., <div style="text-align: right;">Plaintiff,</div> <div style="text-align: center;">-against-</div> THE CITY OF NEW YORK, MARC ANDES, MARK PALOMINO, GAYLE SANDERS, FAY LEOUSSIS, MICHAEL A. CARDOZO, DAVID SANTORO, JOHN DOE(S) AND JANE DOE(S) (names currently unknown) each in his/her official and individual capacities, <div style="text-align: right;">Defendants.</div>
NOTICE OF MOTION TO DISMISS THE COMPLAINT, LOCAL RULE 12.1 NOTICE AND DECLARATION
<p style="text-align: center;">ZACHARY W. CARTER <i>Corporation Counsel of the City of New York</i> <i>Attorney for Defendants</i> <i>100 Church Street, Room 2-166</i> <i>New York, New York 10007</i></p> <p style="text-align: center;"><i>Of Counsel: Bruce Rosenbaum</i> <i>Telephone: (212) 356-2437</i> <i>Matter No: 2014-029860</i></p>
<p><i>Due and timely service is hereby admitted.</i></p> <p><i>Dated: New York, New York.....2014</i></p> <p><i>Signed:</i></p> <p><i>Attorney for.....</i></p>